

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JATIEK SMITH et al.,

Defendants.

22-cr-352 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

Defendant Jatiek Smith, with the aid of standby counsel, has submitted the latest in his repeated requests for an adjournment of trial so that he can further review discovery material, most of which he has had access to for many months. See Dkt. 315. The Government opposes the two-week extension requested by Mr. Smith but consents to a three-day adjournment. See Dkt. 316.

The Court has a better solution. Most of the difficulties of which Smith complains relate to conditions in the MDC, but, if the trial goes forward as firmly scheduled on November 27, Mr. Smith will be in the courtroom from around 9:30 AM to 4:30 PM each day and therefore free of many of the problems he has encountered at the MDC (although he will remain at least partially shackled). Accordingly, while the request for adjournment is hereby denied and trial will commence as scheduled on November 27, the Court will accord Mr. Smith up to a two-hour break before each major witness so that Mr. Smith can further review, with the aid of standby counsel, the materials relevant to each such witness before the witness is called to testify.

To still further accommodate Mr. Smith's request, the trial this Monday will not commence until 10:30 AM, at which time the Government will give its 20-minute opening statement and announce who its first witness is. At that point, the Court will recess for up to two hours (or less if Mr. Smith so requests) so that Mr. Smith can review any previously unreviewed materials relating to said witness, either in the cell block room adjoining the courtroom or, if Mr. Smith prefers, in the courtroom itself (in which case, all prosecution personal will be excluded from the courtroom during the relevant period). After the trial recommences at approximately 1 PM, Mr. Smith may then give (if he so chooses) a 20 minute opening statement, after which the Government's first witness will then be called to testify, with the likelihood that, if the testimony extends past the afternoon close of court business, Mr. Smith will have a still further opportunity to review materials when he returns to the MDC for the evening.

SO ORDERED.

New York, NY
November 21, 2023


JED S. RAKOFF, U.S.D.J.